

**IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT
OF OHIO EASTERN DIVISION**

James T. Sutton, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

**Civil Action 2:19-cv-4652
Judge George C. Smith
Magistrate Judge
Kimberly A. Jolson**

APEX ENVIRONMENTAL, LLC,

Defendant.

FRCP RULE 41 STIPULATED ORDER DISMISSING ALL CLAIMS

Pursuant to Rule 41(a)(1)(A), Plaintiff James T. Sutton, by and through his counsel hereby dismisses all claims in this action. Plaintiff's claims, on behalf of himself and all others similarly situated, have not previously dismissed any federal or state court action based on or including the same claims. Accordingly, pursuant to FRCP 41(a)(1)(B), this dismissal is without prejudice.

Stipulated and agreed to by:

Dated: February 28, 2020

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ATTORNEY FOR DEFENDANT

ORDER OF DISMISSAL

Pursuant to the stipulation of the parties under Federal Rule of Civil Procedure 41(a)(1)(ii), it is ordered that this action be, and hereby is, dismissed without prejudice as to all claims, causes of action, and parties. The Clerk is directed to close the file.

Dated:

Kimberly A. Jolston
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail notice list.

Dated: February 20, 2020

s/ Daniel P. Petrov
Daniel P. Petrov